

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**HENRY BENITEZ,**

**Plaintiff,**

**v.**

**9:04-CV-423**

**J. LOCASTRO, Lt., et al.,**

**Defendants.**

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**APPEARANCES:**

**OF COUNSEL:**

HENRY BENITEZ

97-Z-2553

Upstate Correctional Facility

P.O. Box 2001

309 Bare Hill Road

Malone, N.Y. 12953

Plaintiff, *Pro Se*

HON. ANDREW M. CUOMO

Attorney General for the State of New York

The Capitol

Albany, N.Y. 12207

Attorney for Defendants

SENTA B. SUIDA, ESQ.

Assistant Attorney General

**NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed on the 25<sup>th</sup> day of October 2008. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.

2. The Clerk is ordered to dismiss the following defendants: Amberman, Christopher, Colon, Easterbrook, Kessel, Konecny, Lennox, Leonello, Loomis, Maccucci, McNamara, Melindez, Meyers,<sup>1</sup> (C.O.) Miller, Murley, Parmiter, Porten, Quinn, Roux, Sgt. Smith, Wilkinson, and Yorkey.

3. Discovery is closed and the dispositive motion deadline is extended to December 28, 2008.

4. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: October 29, 2008  
Syracuse, New York

  
Norman A. Mordue  
Chief United States District Court Judge

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<sup>1</sup> Defendant Meyers was listed incorrectly as Meyers, R. in the Report-Recommendation.